

1 **BILL NO. - G-96-06-** 16

2 **GENERAL ORDINANCE NO. 19-96**

3 AN ORDINANCE AMENDING CHAPTER 50: GARBAGE
4 AND REFUSE, OF THE CITY OF FORT WAYNE CODE OF
5 ORDINANCES.

6 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
7 THE CITY OF FORT WAYNE, INDIANA:

8 SECTION 1. Chapter 50 is amended as follows:

9 **YARD WASTE BAN**

10 **§50.10 DEFINITIONS.**

11 For the purpose of this subchapter, the following definitions shall apply unless the
12 context clearly indicates or requires a different meaning.

13 **DISPOSE.** To discard, abandon, cause to be or allow the removal of waste from
14 the site of origination.

15 **LANDFILL.** "Landfill" means a solid waste management disposal facility as
16 defined by state statute at which solid waste is deposited on or in the ground as an intended
17 place of final location.

18 The term does not include the following:

- 19 a. A site that is devoted solely to receiving one (1) or more of the following: (i) fill dirt;
20 (ii) vegetative matter subject to disposal as a result of landscaping, yard
21 maintenance, land clearing, or any combination of activities referred to in this
22 clause; (iii) construction debris.
23 b. A facility receiving waste that is regulated under I.C. 13-7-8.5.

24 **PERSONS.** "Person" means an individual. Partnership, copartnership, firm,
25 company, corporation, association, joint stock company, trust, estate, municipal corporation, city,
26 school city, town, school town, school district, school corporation, county, any consolidated unit
27 of government, political subdivision, state agency, or any other legal entity.
28
29

VEGETATIVE MATTER. Any yard or landscaping waste, or land clearing waste, including leaves, grass, brush, limbs, and branches.

§50.11 YARD WASTE PROHIBITED FROM BEING PLACED IN SOLID WASTE LANDFILLS.

After July 1, 1996, no City of Fort Wayne resident shall dispose of vegetative matter resulting from landscaping maintenance or land clearing to any solid waste landfill.

§50.12 PENALTY.

Any person that knowingly disposes of vegetative matter in violation of this subchapter by setting out for collection for landfilling or delivers the material directly to any Allen County solid waste landfill shall be subject to a fine of \$25.00 for the first offense, \$100.00 for the second offense and \$1,000.00 thereafter.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCauley, City Attorney

Read the first time in full and on motion by Jarvis,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, the _____ day of _____
M., E.S.T.

DATED: 6-11-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Hayhurst,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	7			
BENDER	✓			
CRAWFORD	✓			
EDMONDS				✓
HALL	✓			
HAYHURST	✓			
HENRY	✓			
LUNSEY				✓
RAVINE	✓			
SCHMIDT	✓			

DATED: 8-13-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 8-19-96
on the 13th day of August, 19 96

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

O. D. Schmitt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 14th day of August, 19 96,
at the hour of 2:00 o'clock P, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of August,
19 96, at the hour of 10:00 o'clock A M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR



The City of Fort Wayne

Paul Helmke, Mayor

SOLID WASTE MANAGER'S OFFICE MEMORANDUM

Date: June 11, 1996

To: Members of Common Council

From: Thomas Loraine, CHMM
Solid Waste Manager

Re: Yard Waste Ban

The General Assembly of Indiana recently passed Senate Enrolled Act No. 349. SEA 349 basically takes powers away from Indiana's Solid Waste Districts. In Section V, it states that IC 13-21-3-12, as added by SEA 56-1996, is amended. This amendment enumerates the powers of a district effective July 1, 1996. Number 17 of Section V of SEA 349 states that a "district has the power to adopt resolutions that have the force of law. However, a resolution is not effective in a municipality; unless the municipality adopts the language of the resolution by ordinance or resolution."

In response to the passage of SEA 349, effective July 1, 1996, the Allen County Solid Waste District's Yard Waste Ban will no longer be in effect within the corporate limits of Fort Wayne unless the City of Fort Wayne adopts the language of the District's Yard Waste Ban (Allen County Solid Waste District Article III, Section 1). Hence, it is essential that Council consider this issue in a timely fashion.

The City of Fort Wayne has a weekly yard waste collection through a five year contract with Browning-Ferris Industries, Inc. (BFI). This contract was created in response to the State's original yard waste ban, which has since been repealed. The District's yard waste ban still remains in effect, however. Under this yard waste contract, City residents must separate yard waste from their garbage. Yard waste is collected by BFI on a weekly basis (April 1st through October 15th) at the curb. The City pays only \$35.30 per ton for the yard waste collection. In comparison, the City pays \$52.52 per ton for garbage collection under its contract with National Serv-All.

If the District's yard waste ban is not adopted by July 1, 1996, City residents will be able to mix their yard waste with their garbage. The City will have to pay an extra \$17.22 if the yard waste is mixed in with the garbage rather than set out separately for yard waste collection. Under the current budget, there is no allowance for this extra garbage tonnage, so the City must either raise the garbage user fee or use money from the general tax fund. In addition, National Serv-All has approached the City with a request to raise its tonnage fee an additional \$3.34 per ton to cover added expenses that they have incurred through regulatory measures.

The Solid Waste Department, on behalf of Mayor Paul Helmke, asks that the Common Council of the City of Fort Wayne please take the necessary time to consider passing the Allen County Solid Waste District's Yard Waste Ban before July 1, 1996. By passing the yard waste ban, the City of Fort Wayne can continue to ensure that its residents will not mix their yard waste with their garbage for weekly collection. We will be able to continue to compost this yard waste, which will divert the yard waste from the waste stream. Consequently, we will continue to help the State meet its mandated goals of reducing the amount of solid waste going to landfills 35% by the end of 1996 and 50% by the end of the year 2001.

Second Regular Session 109th General Assembly (1996)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word **NEW** will appear in that style type in the introductory clause of each **SECTION** that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in this style type or this style type reconciles conflicts between statutes enacted by the 1995 General Assembly.

SENATE ENROLLED ACT No. 349

AN ACT to amend the Indiana Code concerning local government and the environment.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-9.5-1-33.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33.5. "Waste management services" means:

- (1) the collection, storage, separation, recovery, recycling, marketing, transfer, disposal, transportation, and processing of solid waste or recyclable materials, including the use of facilities incidental to these activities; and
- (2) the operation of facilities described in subdivision (1).

SECTION 2. IC 13-9.5-2-11, AS AMENDED BY P.L.96-1995, **SECTION 7,** IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in section 11.2 of this chapter, the powers of a district include the following:

- (1) The power to develop and implement a district solid waste management plan under IC 13-9.5-4.
- (2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-9.5-7.
- (3) The power to receive and disburse funds.



- (4) The power to sue and be sued.
- (5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.
- (6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for:
 - (A) the design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person;
 - (B) the managing or disposal of solid waste; or
 - (C) the sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.

- (7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.
- (8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.
- (9) The power to sell or lease any facility or part of a facility to any person.
- (10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.
- (11) The power to enter upon property to make surveys, sounding, boring, and examinations.
- (12) The power to accept gifts, grants, or loans of money, other property, or services from any source, public or private, and to comply with the terms of the gift, grant, or loan.
- (13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to regular budget and tax levy procedures and section 11.1 of this chapter. However, except as provided in subsection (d), a property tax rate imposed under this article may not exceed twenty-five cents (\$0.25) on each one hundred dollars (\$100) of assessed valuation of property in the district.
- (14) The power to borrow in anticipation of taxes.
- (15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an



approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the reduction, management, and disposal of solid waste and the recovery of waste products from the solid waste stream.

(17) The power to adopt resolutions that have the force of law. **However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution.**

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-7-33 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated funds reverts to the district's general fund only if the district's board of directors specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-9.5-5-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

- (A) fiscal;
- (B) administrative;
- (C) managerial; or
- (D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

(22) In a joint district, the power to pay a fee from district funds to the counties in the district in which a final disposal



facility is located.

(23) The power to make grants or loans of:

- (A) money;
- (B) property; or
- (C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product.

(24) The power to establish by resolution a nonreverting capital fund. A district's board of directors may appropriate money in the fund for:

- (A) equipping;
- (B) expanding;
- (C) modifying; or
- (D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board of directors determines by resolution that a portion of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that portion of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further the district's solid waste management plan.

(b) The powers of a district do not include the following:

- (1) The power of eminent domain.
- (2) The power to exclusively control the collection or disposal of solid waste and recyclables within the district.

(c) Notwithstanding subsection (b)(2), if one (1) or more of the governmental entities in a district, at the time of the formation of the district, is a party to a contract providing that the persons contracted with have the exclusive right to collect or dispose of solid waste within the jurisdiction of the governmental entity, the district may enter into an extension of that contract.



(d) A district located in a county having a population of more than thirty-one thousand five hundred (31,500) but less than thirty-two thousand (32,000) may appeal to the state board of tax commissioners to have a property tax rate in excess of the rate permitted by subsection (a). The appeal may be granted if the district establishes that all of the following conditions exist:

- (1) The district is in the process of constructing a landfill.
- (2) A higher property tax rate is necessary to pay the fees charged by out of county landfills to dispose of solid waste generated in the district during the design and construction phases of the landfill being established by the district.

The procedure applicable to maximum levy appeals under IC 6-1.1-18.5 applies to an appeal under this subsection. Any additional levy granted under this section is not part of the total county tax levy (as defined in IC 6-1.1-21-2) and may not exceed twenty-two cents (\$0.22) on each one hundred dollars (\$100) of assessed valuation of property in the district. The state board of tax commissioners shall establish the tax rate if a higher tax rate is permitted. A property tax rate imposed under this subsection expires not later than December 31, 1997.

SECTION 3. IC 13-9.5-2-11.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.2. (a) This section does not apply to the following:

- (1) The continuation of waste management services that a solid waste district provides with its facilities or work force before March 15, 1996.
- (2) Waste management services provided to the district under an agreement entered into by the district before March 15, 1996, with another person until the agreement terminates by its terms or is terminated for cause.
- (3) The development, operation, and contracting for the development or operation of a publicly owned solid waste landfill in a county having a population of more than one hundred seven thousand (107,000) but less than one hundred eight thousand (108,000). The operation of the landfill must have begun before July 1, 2001.
- (4) A contract entered into between the board and a third party before May 1, 1997, for the development or operation of a solid waste landfill in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The third



party is limited to those parties that submitted proposals to the board under a formal request for proposals that were selected by the board, before December 1, 1995, as finalists in the contract negotiations.

(5) A contract between a board and a third party to operate a facility that is owned by the district and for which construction was substantially complete before March 1, 1996.

(b) Except as provided in subsection (c), a district may not:

- (1) undertake to provide waste management services by means of its own work force; or
- (2) contract with any person to provide solid waste management services.

(c) A district may perform the activities described in subsection (b), if:

- (1) the board is able to adopt a resolution under subsection (d); and
- (2) a private sector entity is not willing or able to provide waste management services at a reasonable cost to the district or if requested to do so by a unit of government, that performs the activities with the unit's work force.

(d) The board may adopt a resolution determining that the district must either provide solid waste management services by means of its own work force or contract with a person to provide solid waste management services, only if the board finds that:

- (1) the solid waste management service is not currently available in the district at a reasonable cost; and
- (2) providing the solid waste management service by means of its own work force or by contract will benefit the public health, welfare, and safety of residents of the district.

The board's determination must be supported with findings of fact.

(e) A district shall provide notice by publication under IC 5-3-1 and first class mail to any person that delivers to the district an annual written request for notices before January 1 of any meeting to consider adoption of a resolution making a preliminary determination that it is necessary for the district to undertake to provide solid waste management services by means of its own work force or contract with any person to provide solid waste management services.

(f) Whenever a district evaluates the reasonableness of cost under this section, it shall:



(1) compare the cost of the same level of service provided in the district or in similar demographic areas within Indiana; and

(2) if it wishes to provide the service with its own facilities or work force, disclose the entire cost of providing the service by the district, including the following:

(A) subsidies arising from taxes, fees, grants, or intergovernmental transfers;

(B) in-kind contributions of real estate, interests in real estate, equipment, personnel, or other assets;

(C) discounts; and

(D) tax exemptions.

SECTION 4. IC 13-11-2-247.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO THE NEW CHAPTER ADDED BY SEA 56-1996, TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1996]: Sec. 247.5. "Waste management services " means:

(1) the collection, storage, separation, recovery, recycling, marketing, transfer, disposal, transportation, and processing of solid waste or recyclable materials, including the use of facilities incidental to these activities; and

(2) the operation of facilities described in subdivision (1).

SECTION 5. IC 13-21-3-12, AS ADDED BY SEA 56-1996, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1996]: Sec. 12. Except as provided in section 14.5 of this chapter, the powers of a district include the following:

(1) The power to develop and implement a district solid waste management plan under IC 13-21-5.

(2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.

(3) The power to receive and disburse money.

(4) The power to sue and be sued.

(5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.

(6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:

(A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.

(B) The managing or disposal of solid waste.



(C) The sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.

(7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.

(8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.

(9) The power to sell or lease any facility or part of a facility to any person.

(10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.

(11) The power to enter upon property to make surveys, soundings, borings, and examinations.

(12) The power to:

(A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and

(B) comply with the terms of the gift, grant, or loan.

(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

(A) Regular budget and tax levy procedures.

(B) Section 16 of this chapter.

However, except as provided in section 15 of this chapter, a property tax rate imposed under this article may not exceed twenty-five cents (\$0.25) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream.

(17) The power to adopt resolutions that have the force of law.

However, a resolution is not effective in a municipality unless the municipality adopts the language of the



resolution by ordinance or resolution.**(18) The power to do the following:**

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

(A) fiscal;

(B) administrative;

(C) managerial; or

(D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.**(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.****(22) In a joint district, the power to pay a fee from district money to the counties in the district in which a final disposal facility is located.****(23) The power to make grants or loans of:**

(A) money;

(B) property; or

(C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste



stream as a material component of another product.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

- (A) equipping;
- (B) expanding;
- (C) modifying; or
- (D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further the district's solid waste management plan.

SECTION 6. IC 13-21-3-14, AS ADDED BY SEA 56-1996, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1996]: Sec. 14. (a) The powers of a district do not include the following:

- (1) The power of eminent domain.
- (2) Except as provided in subsection (b), the power to exclusively control the collection or disposal of solid waste and recyclables within the district.

(b) If one (1) or more of the governmental entities in a district, at the time of the formation of the district, is a party to a contract providing that the persons contracted with have the exclusive right to collect or dispose of solid waste within the jurisdiction of the governmental entity, the district may enter into an extension of that contract.

SECTION 7. IC 13-21-3-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO THE NEW CHAPTER ADDED TO THE INDIANA CODE BY SEA 56-1996, TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 1996]: Sec. 14.5. (a) This section does not apply to the following:

- (1) The continuation of waste management services that a solid waste district provides with its facilities or work force before March 15, 1996.
 - (2) Waste management services provided to the district under an agreement entered into by the district before March 15, 1996, with another person until the agreement terminates by its terms or is terminated for cause.
 - (3) The development, operation, and contracting for the development or operation of a publicly owned solid waste landfill in a county having a population of more than one hundred seven thousand (107,000) but less than one hundred eight thousand (108,000). The operation of the landfill must have begun before July 1, 2001.
 - (4) A contract entered into between the board and a third party before May 1, 1997, for the development or operation of a solid waste landfill in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The third party is limited to those parties that submitted proposals to the board under a formal request for proposals that were selected by the board, before December 1, 1995, as finalists in the contract negotiations.
 - (5) A contract between a board and a third party to operate a facility that is owned by the district and for which construction was substantially complete before March 1, 1996.
- (b) Except as provided in subsection (c), a district may not:
- (1) undertake to provide waste management services by means of its own work force; or
 - (2) contract with any person to provide solid waste management services.
- (c) A district may perform the activities described in subsection (b), if:
- (1) the board is able to adopt a resolution under subsection (d); and
 - (2) a private sector entity is not willing or able to provide waste management services at a reasonable cost to the district or if requested to do so by a unit of government that performs the activities with the unit's work force.
- (d) The board may adopt a resolution determining that the



district must either provide solid waste management services by means of its own work force or contract with a person to provide solid waste management services, only if the board finds that:

- (1) the solid waste management service is not currently available in the district at a reasonable cost; and
- (2) providing the solid waste management service by means of its own work force or by contract will benefit the public health, welfare, and safety of residents of the district.

The board's determination must be supported with findings of fact.

(e) A district shall provide notice by publication under IC 5-3-1 and first class mail to any person that delivers to the district an annual written request for notices before January 1 of any meeting to consider adoption of a resolution making a preliminary determination that it is necessary for the district to undertake to provide solid waste management services by means of its own work force or contract with any person to provide solid waste management services.

(f) Whenever a district evaluates the reasonableness of cost under this section, it shall:

- (1) compare the cost of the same level of service provided in the district or in similar demographic areas within Indiana; and
- (2) if it wishes to provide the service with its own facilities or work force, disclose the entire cost of providing the service by the district, including the following:
 - (A) subsidies arising from taxes, fees, grants, or intergovernmental transfers;
 - (B) in-kind contributions of real estate, interests in real estate, equipment, personnel, or other assets;
 - (C) discounts; and
 - (D) tax exemptions.

SECTION 8. An emergency is declared for this act.



ALLEN COUNTY SOLID WASTE DISTRICT

ARTICLE III

Section 1. Yard Waste Ban

3-1-1 DEFINITIONS:

For the purpose of this ordinance, the following definitions shall apply:

Dispose:

To discard, abandon, cause to be or allow the removal of waste from the site of origination.

Landfill:

"Landfill" means a solid waste management disposal facility as defined by state statute at which solid waste is deposited on or in the ground as an intended place of final location.

The term does not include the following:

a. A site that is devoted solely to receiving one (1) or more of the following: (i) fill dirt; (ii) vegetative matter subject to disposal as a result of landscaping, yard maintenance, land clearing, or any combination of activities referred to in this clause, (iii) construction debris.

b. A facility receiving waste that is regulated under IC 13-7-8.5.

Persons:

"Person" means an individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, school city, town, school town, school district, school corporation, county, any consolidated unit of government, political subdivision, state agency, or any other legal entity.

Vegatative Matter:

Any yard or landscaping waste, or land clearing waste, including leaves, grass, brush, limbs, and branches.

3-1-2 YARD WASTE BAN

3-1-2-1 After September 1, 1993, no Allen County solid waste landfill shall knowingly accept any leaves and leaf mold.

3-1-2-2 After September 1, 1993, no person shall dispose of leaves and leaf mold in any Allen County solid waste landfill.

3-1-2-3 After January 1, 1994, no Allen County solid waste landfill shall knowingly accept any vegetative matter resulting from landscaping maintenance or land clearing.

3-1-2-4 After January 1, 1994, no person shall dispose of vegetative matter resulting from landscaping maintenance or land clearing in any Allen County solid waste landfill.

3-1-3 PENALTIES FOR VOLATING THIS ORDINANCE

3-1-3-1 Any Allen County solid waste landfill operator that knowingly accepts a shipment of vegetative matter for landfilling in violation of this ordinance shall be subject to a fine of \$500.00 for the first of said shipments received and a separate fine for each and every shipment that is received thereafter of not less than \$500.00 nor more than a \$ 2,500.00.

3-1-3-2 Any person that knowingly disposes of vegetative matter in violation of this ordinance by setting out for collection for landfilling or delivers the material directly to the landfill shall be subject to a fine of \$25 for the first offense, \$100 for the second offense, and \$1,000 thereafter.

Dated this _____ day of _____, 1993.

ALLEN COUNTY SOLID WASTE DISTRICT BOARD

By: Jack E. Dunsen

By: Mr. Joanne Sander

By: Paul H. H.

By: Jack E. Dunsen

By: Allen Carrico

By: _____

By: _____

(Handwritten)

BILL NO. G-96-06-16

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending Chapter 50; Garbage
and refuse of the City of Fort Wayne Code of Ordinances

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) _____

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<i>Rebecca Ravine</i>	_____	_____	_____
<i>Thomas E. Hayhurst</i>	_____	_____	_____
<i>Robert D. Burt</i>	_____	_____	_____
<i>James W. Campbell</i>	_____	_____	_____
<i>D. S. [Signature]</i>	_____	_____	_____
<i>[Signature]</i>	_____	_____	_____
<i>[Signature]</i>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED:

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

August 20, 1996

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of August 23 and August 30, 1996, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-96-06-16
General Ordinance No. G-19-96
Yard Waste Ban

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL:1

LEGAL NOTICE

Notice is hereby given that on the 13th day of
August, 19 96, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-96-06-16 General
Ordinance No. G-19-96 to-wit:

BILL NO. G-96-06-16

GENERAL ORDINANCE NO. ~~8~~-19-96

AN ORDINANCE AMENDING CHAPTER 50: GARBAGE
AND REFUSE, OF THE CITY OF FORT WAYNE CODE OF
ORDINANCES.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 50 is amended as follows:

YARD WASTE BAN

§50.10 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the
context clearly indicates or requires a different meaning.

DISPOSE. To discard, abandon, cause to be or allow the removal of waste from
the site of origination.

LANDFILL. "Landfill" means a solid waste management disposal facility as
defined by state statute at which solid waste is deposited on or in the ground as an intended
place of final location.

The term does not include the following:

- a. A site that is devoted solely to receiving one (1) or more of the following: (i) fill dirt;
(ii) vegetative matter subject to disposal as a result of landscaping, yard
maintenance, land clearing, or any combination of activities referred to in this
clause; (iii) construction debris.
- b. A facility receiving waste that is regulated under I.C. 13-7-8.5.

PERSONS. "Person" means an individual. Partnership, copartnership, firm,
company, corporation, association, joint stock company, trust, estate, municipal corporation, city,

§50.11 YARD WASTE PROHIBITED FROM BEING PLACED IN SOLID WASTE LANDFILLS.

§50.12 PENALTY.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

REBECCA J. RAVINE

Ayes: Seven
Bender, Crawford, Hall, Hayhurst, Henry,
Ravine, Schmidt
Nays: None
Abstained: None
Absent: Two
Edmonds, Lunsey

Sandra E. Kennedy
City Clerk

ATTEST:

SEAL

D.J. Schmidt
Presiding Officer

Sandra E. Kennedy
City Clerk

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-19-96, passed by the Common Council on the 13th day of August, 1996, and that said Ordinance was duly signed and approved by the Mayor on the 16th day of

FW COMMON COUNCIL
(Governmental Unit)

ALLEN County, Indiana

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

LEGAL NOTICE

Notice is hereby given that on the 13th day of August, 1996, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-96-06-16 General Ordinance No. G-19-96 to-wit:

BILL NO. G-96-06-16

GENERAL ORDINANCE NO. G-19-96
AN ORDINANCE AMENDING CHAPTER 50: GARBAGE AND REFUSE, OF THE CITY OF FORT WAYNE CODE OF ORDINANCES.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 50 is amended as follows:

YARD WASTE BAN

Sub Section 50.10 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISPOSE. To discard, abandon, cause to be or allow the removal of waste from the site of origination.

LANDFILL. Landfill means a solid waste management disposal facility as defined by state statute at which solid waste is deposited on or in the ground as an intended place of final location.

The term does not include the following:

- a. A site that is devoted solely to receiving one (1) or more of the following: (i) fill dirt; (ii) vegetative matter subject to disposal as a result of landscaping, yard maintenance, land clearing, or any combination of activities referred to in this clause; (iii) construction debris.
- b. A facility receiving waste that is regulated under I.C. 13-7-8.5.

PERSONS. Person means an individual. Partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, school, city, town, school town, school district, school corporation, county, any consolidated unit of government, political subdivision, state agency, or any other legal entity.

VEGETATIVE MATTER. Any yard or landscaping waste, or land clearing waste, including leaves, grass, brush, limbs, and branches.

Sub Section 50.11 YARD WASTE PROHIBITED FROM BEING PLACED IN SOLID WASTE LANDFILLS.

After July 1, 1996, no City of Fort Wayne resident shall dispose of vegetative matter resulting from landscaping maintenance or land clearing to any solid waste landfill.

Sub section 50.12 PENALTY.

Any person that knowingly disposes of vegetative matter in violation of this subchapter by setting out or collection for landfilling or delivers the material directly to any Allen County solid waste landfill shall be subject to a fine of \$25.00 for the first offense, \$100.00 for the second offense and \$1,000.00 hereafter.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council member
REBECCA J. RAVINE
lead the third time in full and on motion by
Jayhurst, and duly adopted placed on its passage.
PASSED by the following vote:

Ayes: Seven
Sander, Crawford, Hall, Hayhurst, Henry,
Lavine, Schmidt
Nays: None
Abstained: None
Absent: Two
Diamonds, Lunsey

DATED: 8-13-96

Sandra E. Kennedy
City Clerk

passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-19-96 on the 13th day of August, 1996

TEST:

Sandra E. Kennedy
City Clerk

D.J. Schmidt
Presiding Officer

presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of August, 1996, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
City Clerk

approved and signed by me this 16th day of August, 1996, at the hour of 10:00 o'clock A.M., E.S.T.

Paul Helmke
Mayor

The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-19-96, passed by the Common Council on the 13th day of August, 1996, and that said Ordinance as duly signed and approved by the Mayor on the 14th day of August, 1996, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 16th day of August, 1996.

SANDRA E. KENNEDY, CITY CLERK
#255673

exceed two actual lines, neither of which shall total
of type in which the body of the advertisement is set)

notice

GES

columns wide equals 137 equivalent lines

\$ 71.24

es containing rule or tabular work
(nt)

publication (\$1.00 for each proof in excess of two)

1.00

CLAIM

\$ 72.24

OST

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and penalties of Chapter 155, Acts 1953,

oregoing account is just and correct, that the amount
ter allowing all just credits, and that no part of the

, 19 96

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time , the dates of publication being as follows:

8-23-30-1996

Subscribed and sworn to before me this 30th day of AUG , 1996 .

MARY L SCHNEIDER Notary Public
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
My commission expires: MY COMMISSION EXP JUNE 14, 1997

PUBLISHER'S CLAIM

LINE COUNT

Dislay Matter (Must not exceed two actual lines, neither of which shall total

LEGAL NOTICE

type in which the body of the advertisement is set)

Notice is hereby given that on the 13th day of August, 1996, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-96-06-16 General Ordinance No. G-19-96 to-wit:

BILL NO. G-96-06-16

GENERAL ORDINANCE NO. G-19-96
AN ORDINANCE AMENDING CHAPTER 50: GARBAGE AND REFUSE, OF THE CITY OF FORT WAYNE CODE OF ORDINANCES.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 50 is amended as follows:

YARD WASTE BAN

Sub Section 50.10 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISPOSE. To discard, abandon, cause to be or allow the removal of waste from the site of origination.

LANDFILL. Landfill means a solid waste management disposal facility as defined by state statute at which solid waste is deposited on or in the ground as an intended place of final location.

The term does not include the following:

a. A site that is devoted solely to receiving one (1) or more of the following: (i) fill dirt; (ii) vegetative matter subject to disposal as a result of landscaping, yard maintenance, land clearing, or any combination of activities referred to in this clause; (iii) construction debris.

b. A facility receiving waste that is regulated under I.C. 13-7-8.5.

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Sub section 50.12 PENALTY.

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SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council member
REBECCA J. RAVINE

Read the third time in full and on motion by Hayhurst, and duly adopted placed on its passage. PASSED by the following vote:

Ayes: Seven
Bender, Crawford, Hall, Hayhurst, Henry, Ravine, Schmidt

Nays: None

Abstained: None

Absent: Two
Edmonds, Lunsey

DATED: 8-13-96

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-19-96 on the 13th day of August, 1996

ATTEST:

Sandra E. Kennedy
City Clerk

D.J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of August, 1996, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of August, 1996, at the hour of 10:00 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-19-96, passed by the Common Council on the 13th day of August, 1996, and that said Ordinance was duly signed and approved by the Mayor on the 16th day of August, 1996, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 16th day of August, 1996.

SANDRA E. KENNEDY, CITY CLERK
#255673

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\$ 71.24

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and penalties of Chapter 155, Acts 1953,

regoing account is just and correct, that the amount

r allowing all just credits, and that no part of the

19 96

Title:

Julie L Smith

Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time , the dates of publication being as follows:

8-23-30-1996

Julie L Smith

Subscribed and sworn to before me this 30th day of AUG , 19 96 .

Mary L Schneider

MARY L SCHNEIDER Notary Public

NOTARY PUBLIC STATE OF INDIANA

ALLEN COUNTY

My commission expires:

MY COMMISSION EXP JUNE 14, 1997

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Bender, Crawford, Hall, Hayhurst, Henry, Ravine, Schmidt

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City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-19-96 on the 13th day of August, 1996

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City Clerk

D.J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of August, 1996, at the hour of 2:00 o'clock P.M., E.S.T.

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City Clerk

Approved and signed by me this 16th day of August, 1996, at the hour of 10:00 o'clock A.M., E.S.T.

Paul Helmke
Mayor

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SANDRA E. KENNEDY, CITY CLERK
#255673

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

137

 lines,

1

 columns wide equals

137

 equivalent lines
at

.52

 cents per line

\$ 71.24

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 72.24

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: AUG 30, 19 96

Title: Julie L Smith
Clerk

PUBLISHER'S AFFIDAVIT

LEGAL NOTICE

Notice is hereby given that on the 13th day of August, 1996, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-96-06-16 General Ordinance No. G-19-96 to-wit:

BILL NO. G-96-06-16

GENERAL ORDINANCE NO. G-19-96 AMENDING CHAPTER 50: GARBAGE AND REFUSE, OF THE CITY OF FORT WAYNE, INDIANA.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 50 is amended as follows:

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Sub Section 50.10 DEFINITIONS.

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The term does not include the following:

a. A site that is devoted solely to receiving one (1) or more of the following: (i) fill dirt; (ii) material that is deposited on or in the ground as an intended place of final location; and now remains on file on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 16th day of August, 1996.

SANDRA E. KENNEDY, CITY CLERK #255673

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/ she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time , the dates of publication being as follows:

8-23-30-1996

Julie L Smith

Subscribed and sworn to before me this 30th day of AUG, 1996.

MARY L SCHNEIDER, Notary Public
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY

My commission expires: MY COMMISSION EXP JUNE 14, 1997

PUBLISHER'S CLAIM

LINE COUNT

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COMPUTATION OF CHARGES

137 lines, 1 columns wide equals 137 equivalent lines

at .52 cents per line

\$ 71.24

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

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TOTAL AMOUNT OF CLAIM

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: AUG 30, 19 96

Title: Julie L Smith Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

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8-23-30-1996

WARM-HEARTED
SWPM, 43, 62", 205lbs, handsome,
Ad# 1352

THE SINGLE GUY
SWM, 27, 5'11", 165lbs, enjoys outdoors,
barbecues, ISO SWF, 20-27, confident.
Ad# 1006

ALL WOMAN
DWM, 44, ISO all woman, 50+, for togeth-
erness, dining, movies and fun times. Ad#
3940

COUNTRY BOY
SWM, smoker, 46, 5'9", 170lbs, likes
walks, talks, movies, ISO SF with tradi-
tional values. Ad# 5176

REAL THING!
Character, integrity, faithful, focused, fair,
good-looking SWM, 27, ISO SWF, same
attributes. Ad# 5176

conductor. Enjoys outdoor activities. Seek-
ing D/SWF, 35-45, children okay. Ad#
5745

2390
34, seeks
evenings

752
SF, 32-45,
ing D/SWF

Approved and signed by me this 16th day of August,
1996, at the hour of 10:00 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do
hereby certify that the above and foregoing is a full,
true and complete copy of General Ordinance No.
G-19-96, passed by the Common Council on the
13th day of August, 1996, and that said Ordinance
was duly signed and approved by the Mayor on the
16th day of August, 1996, and now remains on file
and on record in my office.

WITNESS my hand, and the official seal of the City
of Fort Wayne, Indiana, this 16th day of August,
1996.

SANDRA E. KENNEDY, CITY CLERK
#255673

Subscribed and sworn to before me this 30th day of AUG, 19 96.

MARY L SCHNEIDER Notary Public

NOTARY PUBLIC STATE OF INDIANA

ALLEN COUNTY

My commission expires: MY COMMISSION EXP JUNE 14, 1997